

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 3739	DATE	7/2/2001
CASE TITLE	Rafal Kaczkowski vs. Daimlerchrysler Corp.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

MOTION: _____

DOCKET ENTRY:

(11) [For further detail see order attached to the original matter.]			
	No notices required, advised in open court.		Document Number
	No notices required.	number of notices	
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.	JUL 05 2001 date docketed	
	Notified counsel by telephone.	docketing deputy initials	
	Docketing to mail notices.	7/3/2001	
	Mail AO 450 form.	date mailed notice	
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SN	courtroom deputy's initials	Date/time received in central Clerk's Office	mailing deputy initials

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RAFAL KACZKOWSKI,)
v. Plaintiff,)
DAIMLERCHRYSLER CORPORATION,)
Defendant.) No. 01 C 3739

DOCKETED
JUL 05 2001

MEMORANDUM ORDER

DaimlerChrysler Corporation ("Chrysler") has filed its Answer to the personal injury suit brought against it by Rafal Kaczkowski ("Kaczkowski"). This memorandum order is issued sua sponte because of some patent pleading flaws in that responsive pleading that require prompt correction.

Despite the plain roadmap that is marked out by the second sentence of Fed. R. Civ. P. ("Rule") 8(b), Chrysler's Answer Count I ¶¶4, 5 and 14-19 and Count II ¶¶4, 5 and 13-17 employ this impermissible locution:

The defendant possesses insufficient knowledge to either admit or deny the allegations contained in paragraph -- of Count I of plaintiff's Complaint at Law and, therefore, denies same and demands strict proof thereof.

Both as to the inadequacy of such a disclaimer and as to the meaningless demand for "strict proof," see App. ¶1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 279 (N.D. Ill. 2001). Although this Court may be wrong about this, it has a general recollection that the same defect may have been pointed

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out to other members of Chrysler's law firm before this. But whether or not that is the case, the firm ought to eliminate the improper language from its computer program.

Meanwhile the entire Answer is stricken to avoid the need to resort to patchwork pleading. Leave is, however, granted to file a self-contained Amended Answer in this Court's chambers on or before July 16, 2001.¹



Milton I. Shadur
Senior United States District Judge

Date: July 2, 2001

¹ No charge is to be made to Chrysler by its counsel for the added work and expense incurred in correcting counsel's own errors. Chrysler's counsel are ordered to apprise their client to that effect by letter, with a copy to be transmitted to this Court's chambers as an informational matter (not for filing).